

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION  
OF THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX  
REFUND SCHEME LITIGATION

MASTER DOCKET

18-md-2865 (LAK)

This document relates to:

18-cv-07824; 18-cv-07827; 18-cv-07828;  
18-cv-07829; 19-cv-01781; 19-cv-01783;  
19-cv-01785; 19-cv-01788; 19-cv-01791;  
19-cv-01792; 19-cv-01794; 19-cv-01798;  
19-cv-01800; 19-cv-01801; 19-cv-01803;  
19-cv-01806; 19-cv-01808; 19-cv-01809;  
19-cv-01810; 19-cv-01812; 19-cv-01813;  
19-cv-01815; 19-cv-01818; 19-cv-01866;  
19-cv-01867; 19-cv-01868; 19-cv-01869;  
19-cv-01870; 19-cv-01871; 19-cv-01873;  
19-cv-01894; 19-cv-01896; 19-cv-01918;  
19-cv-01922; 19-cv-01926; 19-cv-01928;  
19-cv-01929; 19-cv-01931; 19-cv-10713;  
21-cv-05339.

**DEFENDANTS' MOTION FOR PARTIAL RECONSIDERATION OF THE COURT'S  
ORDER ON MOTION IN LIMINE REGARDING COMPARATIVE FAULT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, dated October 2, 2024, and under Rule 60(b) of the Federal Rules of Civil Procedures and Local Civil Rule 6.3 of the Local Rules of the United States District Court for the Southern District of New York, Defendants, by their undersigned attorneys, move the Court to reconsider its order dated September 18, 2024 as to the 2016 National Audit Office Report.

Dated: October 2, 2024

Respectfully submitted,

/s/ Peter G. Neiman

Boyd M. Johnson  
Peter G. Neiman  
Alan E. Schoenfeld  
Nelson S. Castaño  
WILMER CUTLER PICKERING

HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800

Boyd.Johnson@wilmerhale.com  
Peter.Neiman@wilmerhale.com  
Alan.Schoenfeld@wilmerhale.com  
Nelson.Castano@wilmerhale.com

Andrew S. Dulberg  
WILMER CUTLER PICKERING

HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6352  
Andrew.Dulberg@wilmerhale.com

Brittany R. Warren  
WILMER CUTLER PICKERING

HALE AND DORR LLP  
2100 Pennsylvania Avenue, N.W.  
Washington D.C., 20037  
(202) 663-6772  
Brittany.Warren@wilmerhale.com

*Attorneys for Richard Markowitz, Jocelyn  
Markowitz, Avanix Management LLC  
Roth 401(K) Plan, Batavia Capital  
Pension Plan, Calypso Investments  
Pension Plan, Cavus Systems LLC Roth  
401(K) Plan, Hadron Industries LLC Roth  
401(K) Plan, RJM Capital Pension Plan,  
RJM Capital Pension Plan Trust, Routt  
Capital Pension Plan, Routt Capital Trust*

/s/ *Sharon L. McCarthy*

Sharon L. McCarthy  
KOSTELANETZ LLP  
7 World Trade Center  
250 Greenwich Street  
34th Floor  
New York, NY 10007  
(212) 808-8100  
[smccarthy@kostelanetz.com](mailto:smccarthy@kostelanetz.com)

Nicholas S. Bahnsen  
Daniel C. Davidson  
KOSTELANETZ LLP  
601 New Jersey Avenue, NW  
Suite 260  
Washington, DC 20001  
(202) 875-8000  
[nbahnsen@kostelanetz.com](mailto:nbahnsen@kostelanetz.com)  
[ddavidson@kostelanetz.com](mailto:ddavidson@kostelanetz.com)

*Attorneys for Defendants John van  
Merkensteijn, III, Elizabeth van  
Merkensteijn, Azalea Pensión Plan,  
Basalt Ventures LLC Roth 401(K) Plan,  
Bernina Pension Plan, Bernina Pension  
Plan Trust, Michelle Investments Pension  
Plan, Omineca Pension Plan, Omineca  
Trust, Remece Investments LLC Pension  
Plan, Starfish Capital Management LLC  
Roth 401(K) Plan, Tarvos Pension Plan,  
Voojo Productions LLC Roth 401(K)  
Plan, Xiphias LLC Pension Plan*

/s/ *David L. Goldberg*

David L. Goldberg  
Michael M. Rosensaft  
KATTEN MUCHIN ROSENMAN LLP  
50 Rockefeller Plaza  
New York, NY 10020  
(212) 940-8800  
[david.goldberg@katten.com](mailto:david.goldberg@katten.com)  
[michael.rosensaft@katten.com](mailto:michael.rosensaft@katten.com)

*Attorneys for Defendants Robert  
Klugman, RAK Investment Trust,*

*Aerovane Logistics LLC Roth 401K Plan,  
Edgepoint Capital LLC Roth 401K Plan,  
Headsail Manufacturing LLC Roth 401K  
Plan, The Random Holdings 401K Plan,  
The Stor Capital Consulting LLC 401K  
Plan*

/s/ Thomas E.L. Dewey

Thomas E.L. Dewey  
Sean K. Mullen  
DEWEY PEGNO & KRAMARSKY LLP  
777 Third Avenue  
37th Floor  
New York, New York 10017  
(212) 943-9000  
tdewey@dpklaw.com  
smullen@dpklaw.com

/s/ Elliot R. Peters

Elliot R. Peters  
Julia L. Allen  
KEKER, VAN NEST & PETERS LLP  
633 Battery Street  
San Francisco, CA 94111  
(415) 962-7188  
epeters@keker.com  
jallen@keker.com

*Attorneys for Defendant Michael Ben-Jacob*